

REMARKS

This Amendment is submitted in conjunction with a Request for Continued Examination (RCE) of the present application. This amendment is a response to the decision by the Board of Appeals rendered on December 10, 2008, in the present application. This amendment and the RCE, are filed contemporaneously with a Petition to Revive an Unintentionally Abandoned Application under 37 CFR 1.137(b) and under 37 CFR 1.137(c), because the application was found by the Office to be “abandoned” on February 11, 2009 for failure to respond to the decision by the Board of Appeals.¹ .

In that decision, the Board of Appeals reversed the rejection of claims 1-10 and 21-33. Further, in that decision the Board affirmed the rejection of claim 11 and of claims 12-20 which fell therewith. Claim 11 had recited, *inter alia*, “transmit the data packet *with* the second destination address to a second address translator” (emphasis added) which was interpreted by the Board to mean something other than “including” the second destination address.

¹ Applicant continues to believe that the abandonment was clearly patent office error and that the contemporaneously-filed Petition to Revive an Unintentionally Abandoned Application, including this amendment and RCE, were unnecessary. These were unnecessary burdens imposed on Applicant, not to mention unnecessary fee payments. The Board’s decision indicated that the rejection of claims 1-10 and 21-33 were reversed. Thus, further action by the Examiner was required under MPEP 1214.06(III) and, in combination with 37 CFR 1.197(b)(1)(ii), the proceedings should not have been terminated. No action was required by Applicant at that time. Applicant proceeds herein with the petition to revive solely to avoid further delay and additional unnecessary attorney costs.

Accordingly, Applicant has amended independent claim 11 to now recite: “transmit the data packet *including* the second destination address to a second address translator” (emphasis added). Further, Applicant has amended independent claim 16 to now recite: “transmitting the data packet *including* the second destination address from the first address translator to a second address translator.”

In view of this amendment, Applicant respectfully submits that claims 11-20 are now in alignment with the Board’s reasoning for its decision to reverse the rejection of claims 1-10 and 21-33. Applicant submits that if claims 11-20 had been presented to the Board in their currently-amended state that their rejection would also have been reversed.

Accordingly, Applicant submits that all pending claims, claims 1-33, are now in condition for allowance and favorable action is respectfully requested.


CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are novel over the cited reference. Reconsideration and allowance are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

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